

09275701182022
PYSPTErie County Prothonotary
Civil Case Detail ReportPage 1
1/18/2022

Case No..... 2021-12760 ANA L FRANK (vs) EDWARD J SMITH, AL

Reference No.....
Case Type..... TORT - MOTOR VEHICLE
Judgment..... \$.00
Judge Assigned.... PICCININI MARSHALL J, JUDGE
Disposed Desc.....Filed..... 12/23/2021
Time..... 2:28
Execution Date.. 0/00/0000
Jury Trial.....
Disposed Date.. 0/00/0000
Higher Crt 1...
Higher Crt 2...

----- Case Comments -----

++ GENERAL INDEX ++

Indexed PartyFRANK ANA L
ERIE, PA 16502

PLAINTIFF

Attorney InfoBUCHOLTZ DARA M, ESQ
TRAVIS LAW BUILDING
102 LORNA LANE
EDINBORO, PA 16412SMITH EDWARD J
LANCASTER, NY 14086

DEFENDANT

X P O LOGISTICS
RICHMOND, IN 47374

DEFENDANT

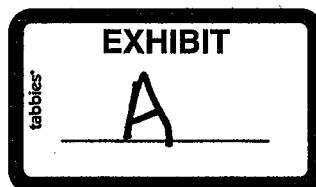
++ DOCKET ENTRIES ++

Date	Entry Text
12/23/2021	CAPTION: ANA L FRANK VS EDWARD J SMITH AND XPO LOGISTICS
12/23/2021	CIVIL COVER SHEET FILED. 1 Image page(s) exists for this entry
12/23/2021	COMPLAINT IN AN AMT IN EXCESS OF \$50,000.00 TOGETHER W/COSTS OF THIS ACTION W/NOTICE TO DEFEND W/I TWENTY (20) DAYS; CERT OF COMPLIANCE AND CERT OF SERVICE 10 Image page(s) exists for this entry
12/28/2021	FIRST AMENDED CIVIL COMPLAINT, COUNTS I & II, FOR ALL DAMAGES RECOVERABLE UNDER THE LAW AND IN AN AMOUNT IN EXCESS OF \$50,000.00, TOGETHER WITH THE COSTS OF THIS ACTION W/NOTICE TO PLEAD WITHIN 20 DAYS. F/DARA M. BUCHOLTZ, ESQ W/CERT OF SERVICE, CERT OF COMPLIANCE, AND VERIFICATION 11 Image page(s) exists for this entry
	----- LAST ENTRY -----

++ Escrow Information ++

Cost / Fee	Req. Balance	Pymts/Adjmts	End. Balance
COMPLAINT TAX	\$.50	\$.50	\$.00
COMPLAINT	\$92.00	\$92.00	\$.00
JCS/ATJ	\$40.25	\$40.25	\$.00
AUTOMATION FEE	\$5.00	\$5.00	\$.00
	\$137.75	\$137.75	\$.00

End of Case Information



Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

County

For Prothonotary Use Only:

Docket No:

12760-01

CLERK OF PROTHONOTARY

2021 DEC 23 PM 2:28

COMMON PLEAS COURT

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Ana L. Frank

Lead Defendant's Name:

Edward J. Smith

Are money damages requested? ☒ Yes ☐ No
 Dollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits
 (check one)
Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Dara M. Bucholtz

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☒ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

ANA L. FRANK,

Plaintiff,

v.

EDWARD J. SMITH; and
XPO LOGISTICS,

Defendants.

Er 12/28/21
COMMON PLEAS COURT
ERIE, PA

2021 DEC 23 PM 2:28

CLERK OF RECORDS
PROTHONOTARY

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

Case No.:

10760-21

TO: XPO Logistics
3200 Industries Drive
Richmond, Indiana 47374

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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Lawyer Referral Service
429 West 6th Street
Erie, PA 16507
(814) 459-4411
Mon. - Fri. 8:30 a.m. - 3:00 p.m.

pd \$137.75

ANA L. FRANK,

Plaintiff,

v.

EDWARD J. SMITH; and
XPO LOGISTICS,

Defendants.

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: 2021 DEC 23 PM 2:28
: CIVIL ACTION - LAW OF RECORDS
: PROTHONOTARY
: Case No.:
:
:

TO: Edward J. Smith
20 Lancaster Avenue
Lancaster, New York 14086

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ANA L. FRANK,
Plaintiff,
v.
EDWARD J. SMITH; and
XPO LOGISTICS,
Defendants.

COMMON PLEAS COURT
ERIE, PA
2021 DEC 23 PM 2:28
CLERK OF RECORDS
PROTHONOTARY CIVIL ACTION—LAW

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
Case No.:

CIVIL COMPLAINT

AND NOW, comes Plaintiff, ANA L. FRANK, by and through her attorneys, THE TRAVIS LAW FIRM, P.C., and files the within COMPLAINT against Defendants, EDWARD J. SMITH and XPO LOGISTICS, stating in support as follows:

1. Plaintiff ANA L. FRANK is an adult individual who resides at 1418 West 11th Street, Apt. 3, Erie, PA 16502.
2. Defendant EDWARD J. SMITH is an adult individual who upon information and belief resides at 20 Lancaster Avenue, Lancaster, New York, 14086.
3. Defendant XPO Logistics (“XPO”) is a corporation organized under the laws of the state of Indiana with a principal place of business at 3200 Industries Drive, Richmond, Indiana 47374.
4. The facts and events hereinafter described occurred on or about January 18, 2020, at approximately 7:25 a.m. on Route I-90 in Erie County, North East Township, Pennsylvania.
5. At all times material hereto, Plaintiff, ANA L. FRANK, operated a 2016 Kia Sportage, bearing Pennsylvania license plate 25844138 (VIN KNDPBCAC9G7821330).

6. At all times material hereto, Defendant EDWARD J. SMITH, operated a 2014 Westernstar Freightliner, bearing Indiana license plate 2494730 (VIN 3AKBGADV2ESFY7257).

7. At all times material hereto, Defendant EDWARD J. SMITH was an agent, servant and employee of Defendant XPO LOGISTICS, and acted with the express and implied authority of Defendant XPO LOGISTICS, in furtherance of the business interests of said Defendant.

8. On or about January 18, 2020, at approximately 7:25 a.m., Plaintiff ANA L. FRANK was the driver of a 2016 Kia Sportage traveling eastbound on Interstate 90 in Erie County, North East Township, Pennsylvania.

9. At that same time and place, Defendant EDWARD J. SMITH was operating a 2014 Westernstar Freightliner, owned by Defendant XPO LOGISTICS, traveling eastbound on Interstate 90 in Erie County, North East Township, Pennsylvania, behind Plaintiff ANA L. FRANK.

10. Defendant EDWARD J. SMITH failed to slow the vehicle owned by XPO LOGISTICS and crashed directly into the rear of Plaintiff ANA L. FRANK's vehicle, which then propelled her vehicle into the rear of the vehicle traveling ahead of her, with her vehicle eventually coming to rest after being thrust into the highway median strip.

11. Plaintiff ANA L. FRANK sustained injuries as a result of the crash caused by Defendant EDWARD J. SMITH, and include, but are not limited to:

- (a) Neck Pain;
- (b) Back pain;
- (c) Migraine headaches;

- (d) Vertigo;
- (e) Tinnitus;
- (f) Miscarriage of unborn child;
- (g) Post-Traumatic Stress Syndrome (PTSD);
- (h) Panic Attacks;
- (i) Anxiety; and
- (j) Severe shock, strain or sprain of the nerves, muscles,

tissues, ligaments and vessels of the musculoskeletal system.

12. The accident has left Plaintiff ANA L. FRANK susceptible to additional injuries in the future to those areas weakened by the accident.

13. Some or all of the injuries of Plaintiff ANA L. FRANK may be permanent in nature, and all of which caused her pain and suffering since the crash and which may cause her pain and suffering in the future.

14. As a further result of the aforesaid, Plaintiff ANA L. FRANK has suffered severe physical pain and suffering, discomfort, mental pain and suffering, mental anguish, anxiety, humiliation, an inability to pursue her usual activities, and loss of enjoyment of life, and she may continue to suffer the same for an indefinite period of time in the future to her great detriment and loss.

15. As a further result of the aforesaid, Plaintiff ANA L. FRANK has been obliged to receive and undergo medical attention and care and has had to incur various expenses in an attempt to cure said injuries, and Plaintiff may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future, and claim is made therefor.

16. As a result of Plaintiff ANA L. FRANK's ongoing medical expenses, medical and health insurance liens may be asserted against her, and claim is made therefor.

17. As a result of the aforementioned injuries, Plaintiff ANA L. FRANK has sustained work loss, lost income, loss of opportunity and a permanent diminution of his earning power and capacity, and claim is made therefor.

18. Plaintiff ANA L. FRANK was a full tort insured at the time of the accident.

COUNT I - NEGLIGENCE

ANA L. FRANK V. EDWARD J. SMITH

19. Plaintiff incorporates by reference hereto all general allegations set forth in paragraphs 1 through 18 above.

20. At all times relevant hereto, Defendant, EDWARD J. SMITH, was an agent, servant and/or employee of Defendant, XPO LOGISTICS, INC.

21. At all times relevant hereto, Defendant, EDWARD J. SMITH, was acting in the course and scope of his employment and with the express and/or implied authority of Defendant XPO LOGISTICS and/or in the furtherance of its business interests.

22. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiff ANA L. FRANK are the direct and proximate result of the negligent and careless manner that Defendant EDWARD J. SMITH operated the motor vehicle owned by XPO LOGISTICS, which consisted of the following:

- (a) failing to keep alert and maintain a proper watch for the presence of others on the roadway;

- (b) failing to notice Plaintiff ANA L. FRANK'S vehicle;
- (c) failing to have his vehicle under such control as to be able to stop within the assured clear distance ahead;
- (d) failing to apply his brakes in sufficient time to avoid striking the vehicle of Plaintiff ANA L. FRANK;
- (e) failing to keep his eyes on the roadway;
- (f) failing to pay attention to the roadway;
- (g) operating a motor vehicle while distracted;
- (h) operating a motor vehicle when he was not properly licensed and/or trained to do so;
- (i) operating his vehicle when he knew or should have known that he was not sufficiently capable or experienced to do so safely and prudently; and
- (j) permitting his vehicle to strike and collide with the rear of the vehicle operated by Plaintiff ANA L. FRANK.

23. As a direct and proximate result of negligence of the Defendant EDWARD J. SMITH, as set forth above, the Plaintiff, ANA L. FRANK was injured as set forth in paragraph 11, *supra*.

WHEREFORE, Plaintiff ANA L. FRANK demands judgment in her favor against Defendant EDWARD J. SMITH for all damages recoverable under the law and in an amount in excess of fifty thousand dollars (\$50,000.00), together with the costs of this action.

COUNT II - NEGLIGENCE

ANA L. FRANK V. XPO LOGISTICS

24. Plaintiff incorporates by reference hereto all general allegations set forth in paragraphs 1 through 23 above.

25. At all times material hereto, Defendant EDWARD J. SMITH, was an agent, servant, and/or employee of Defendant XPO LOGISTICS.

26. At all times relevant hereto, Defendant EDWARD J. SMITH, was acting in the course and scope of his employment and with the express and/or implied authority of Defendant XPO LOGISTICS and/or in the furtherance of its business interests.

27. All of the resultant damages sustained by Plaintiff, ANA L. FRANK, were the direct and proximate result of the negligent conduct of the Defendant, XPO, as follows:

- (a) on the basis of respondeat superior for the negligence of its agent, Servant, and/or employee, Defendant EDWARD J. SMITH, as detailed hereinabove at Paragraph 22, the same being incorporated herein at length;
- (b) in negligently permitting Defendant EDWARD J. SMITH to operate a motor vehicle in the course and scope of his agency, service, and/or employment when it knew, or in the exercise of reasonable care, should have known that he was not properly trained and/or qualified to operate said motor vehicle;
- (c) in negligently training Defendant EDWARD J. SMITH in the safe operation of a motor vehicle when it knew, or in the exercise of

reasonable care, should have known that Defendant EDWARD J. SMITH's agency, service, and/or employment with XPO LOGISTICS would require him to operate a motor vehicle; and
(d) in failing to adequately investigate Defendant EDWARD J. SMITH's driving record so as to learn of his inability to safely operate a motor vehicle while in the course and scope of his agency, service, and/or employment with Defendant XPO LOGISTICS.

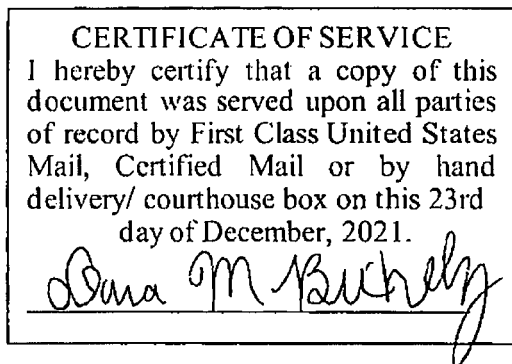
28. As a direct and proximate result of negligence of the Defendant XPO LOGISTICS, as set forth above, the Plaintiff, ANA L. FRANK was injured as set forth in paragraph 11, *supra*,

WHEREFORE, Plaintiff ANA L. FRANK demands judgment in her favor against Defendant XPO LOGISTICS for all damages recoverable under the law and in an amount in excess of fifty thousand dollars (\$50,000.00), together with the costs of this action.

A JURY TRIAL BY TWELVE (12) IS HEREBY DEMANDED

Respectfully Submitted,

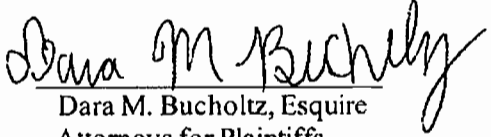
THE TRAVIS LAW FIRM, P.C.



By: *Dara M Bucholtz*
Dara M. Bucholtz, Esquire
100 State Street, Suite 210
Erie, PA 16507

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.


Dara M. Bucholtz, Esquire
Attorneys for Plaintiffs

ANA L. FRANK, COMMON PLEAS COURT
ERIE, PA

Plaintiff
2022 DEC 28 AM 10:03

v.

EDWARD J. SMITH; and
XPO LOGISTICS,

Defendants.

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA

:
: CIVIL ACTION—LAW

:
: Case No.: 12760-21
:
:
:

TO: Edward J. Smith
20 Lancaster Avenue
Lancaster, New York 14086

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429 West 6th Street
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Mon. - Fri. 8:30 a.m. - 3:00 p.m.

ANA L. FRANK,
Plaintiff, 2021 DEC 28 AM 10:03
v. EDWARD J. SMITH; and
XPO LOGISTICS,
Defendants.

COMMON PLEAS COURT
ERIE, PA
IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
CLERK OF RECORDS
PROTHONOTARY
CIVIL ACTION—LAW
Case No.: 12760-21

TO: XPO Logistics
3200 Industries Drive
Richmond, Indiana 47374

NOTICE

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ANA L. FRANK,	COMMON PLEAS COURT ERIE, PA	:	IN THE COURT OF COMMON PLEAS
		:	OF ERIE COUNTY, PENNSYLVANIA
Plaintiff,	2021 DEC 28 AM 10:03	:	
		:	
v.	CLERK OF RECORDS PROthonotary	:	CIVIL ACTION—LAW
		:	
EDWARD J. SMITH; and		:	Case No.: 12760-21
XPO LOGISTICS,		:	
		:	
Defendants.		:	

FIRST AMENDED CIVIL COMPLAINT

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5. At all times material hereto, Plaintiff, ANA L. FRANK, operated a 2016 Kia Sportage, bearing Pennsylvania license plate 25844138 (VIN KNDPBCAC9G7821330).

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7. At all times material hereto, Defendant EDWARD J. SMITH was an agent, servant and employee of Defendant XPO LOGISTICS, and acted with the express and implied authority of Defendant XPO LOGISTICS, in furtherance of the business interests of said Defendant.

8. On or about January 18, 2020, at approximately 7:25 a.m., Plaintiff ANA L. FRANK was the driver of a 2016 Kia Sportage traveling eastbound on Interstate 90 in Erie County, North East Township, Pennsylvania.

9. At that same time and place, Defendant EDWARD J. SMITH was operating a 2014 Westernstar Freightliner, owned by Defendant XPO LOGISTICS, traveling eastbound on Interstate 90 in Erie County, North East Township, Pennsylvania, behind Plaintiff ANA L. FRANK.

10. Defendant EDWARD J. SMITH failed to slow the vehicle owned by XPO LOGISTICS and crashed directly into the rear of Plaintiff ANA L. FRANK's vehicle, which then propelled her vehicle into the rear of the vehicle traveling ahead of her, with her vehicle eventually coming to rest after being thrust into the highway median strip.

11. Plaintiff ANA L. FRANK sustained injuries as a result of the crash caused by Defendant EDWARD J. SMITH, and include, but are not limited to:

- (a) Neck Pain;
- (b) Back pain;
- (c) Migraine headaches;
- (d) Vertigo;
- (e) Tinnitus;
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12. The accident has left Plaintiff ANA L. FRANK susceptible to additional injuries in the future to those areas weakened by the accident.

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16. As a result of Plaintiff ANA L. FRANK's ongoing medical expenses, medical and health insurance liens may be asserted against her, and claim is made therefor.

17. As a result of the aforementioned injuries, Plaintiff ANA L. FRANK has sustained work loss, lost income, loss of opportunity and a permanent diminution of his earning power and capacity, and claim is made therefor.

18. Plaintiff ANA L. FRANK was a full tort insured at the time of the accident.

COUNT I - NEGLIGENCE

ANA L. FRANK V. EDWARD J. SMITH

19. Plaintiff incorporates by reference hereto all general allegations set forth in paragraphs 1 through 18 above.

20. At all times relevant hereto, Defendant, EDWARD J. SMITH, was an agent, servant and/or employee of Defendant, XPO LOGISTICS, INC.

21. At all times relevant hereto, Defendant, EDWARD J. SMITH, was acting in the course and scope of his employment and with the express and/or implied authority of Defendant XPO LOGISTICS and/or in the furtherance of its business interests.

22. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiff ANA L. FRANK are the direct and proximate result of

the negligent and careless manner that Defendant EDWARD J. SMITH operated the motor vehicle owned by XPO LOGISTICS, which consisted of the following:

- (a) failing to keep alert and maintain a proper watch for the presence of others on the roadway;
- (b) failing to notice Plaintiff ANA L. FRANK'S vehicle;
- (c) failing to have his vehicle under such control as to be able to stop within the assured clear distance ahead;
- (d) failing to apply his brakes in sufficient time to avoid striking the vehicle of Plaintiff ANA L. FRANK;
- (e) failing to keep his eyes on the roadway;
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- (g) operating a motor vehicle while distracted;
- (h) operating a motor vehicle when he was not properly licensed and/or trained to do so;
- (i) operating his vehicle when he knew or should have known that he was not sufficiently capable or experienced to do so safely and prudently; and
- (j) permitting his vehicle to strike and collide with the rear of the vehicle operated by Plaintiff ANA L. FRANK.

23. As a direct and proximate result of negligence of the Defendant EDWARD J. SMITH, as set forth above, the Plaintiff, ANA L. FRANK was injured as set forth in paragraph 11, *supra*.

WHEREFORE, Plaintiff ANA L. FRANK demands judgment in her favor against Defendant EDWARD J. SMITH for all damages recoverable under the law and in an amount in excess of fifty thousand dollars (\$50,000.00), together with the costs of this action.

COUNT II - NEGLIGENCE

ANA L. FRANK V. XPO LOGISTICS

24. Plaintiff incorporates by reference hereto all general allegations set forth in paragraphs 1 through 23 above.

25. At all times material hereto, Defendant EDWARD J. SMITH, was an agent, servant, and/or employee of Defendant XPO LOGISTICS.

26. At all times relevant hereto, Defendant EDWARD J. SMITH, was acting in the course and scope of his employment and with the express and/or implied authority of Defendant XPO LOGISTICS and/or in the furtherance of its business interests.

27. All of the resultant damages sustained by Plaintiff, ANA L. FRANK, were the direct and proximate result of the negligent conduct of the Defendant, XPO, as follows:

- (a) on the basis of respondeat superior for the negligence of its agent, Servant, and/or employee, Defendant EDWARD J. SMITH, as detailed hereinabove at Paragraph 22, the same being incorporated herein at length;
- (b) in negligently permitting Defendant EDWARD J. SMITH to operate a motor vehicle in the course and scope of his agency, service, and/or employment when it knew, or in the exercise of

reasonable care, should have known that he was not properly trained and/or qualified to operate said motor vehicle;

- (c) in negligently training Defendant EDWARD J. SMITH in the safe operation of a motor vehicle when it knew, or in the exercise of reasonable care, should have known that Defendant EDWARD J. SMITH's agency, service, and/or employment with XPO LOGISTICS would require him to operate a motor vehicle; and
- (d) in failing to adequately investigate Defendant EDWARD J. SMITH's driving record so as to learn of his inability to safely operate a motor vehicle while in the course and scope of his agency, service, and/or employment with Defendant XPO LOGISTICS.

28. As a direct and proximate result of negligence of the Defendant XPO LOGISTICS, as set forth above, the Plaintiff, ANA L. FRANK was injured as set forth in paragraph 11, *supra*,

WHEREFORE, Plaintiff ANA L. FRANK demands judgment in her favor against Defendant XPO LOGISTICS for all damages recoverable under the law and in an amount in excess of fifty thousand dollars (\$50,000.00), together with the costs of this action.

A JURY TRIAL BY TWELVE (12) IS HEREBY DEMANDED.

Respectfully Submitted,

THE TRAVIS LAW FIRM, P.C.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all parties of record by First Class United States Mail, Certified Mail or by hand delivery/ courthouse box on this 28th day of December, 2021.

Dara M. Bucholtz

By: Dara M. Bucholtz
Dara M. Bucholtz, Esquire
100 State Street, Suite 210
Erie, PA 16507

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dara M. Bucholtz
Dara M. Bucholtz, Esquire
Attorneys for Plaintiffs

ANA L. FRANK,

Plaintiff,

v.

EDWARD J. SMITH; and
XPO LOGISTICS,

Defendants.

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA

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:
: CIVIL ACTION—LAW

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:
: Case No.: 12760-21
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:

VERIFICATION

I, ANA L. FRANK, hereby state that the facts contained in the within First Amended Complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.

Dated

12/28/21


Ana L. Frank